HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.250 of 1987
Date of decision : 2.5.2007

Sh.Phool Chand Bansal **.....Petitioner**

versus

Parvinder Singh **.....Respondent**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present: None.

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ORDER

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned Appellate Authority dated 10.9.1986 holding that the rent paid was not in excess and consequently the findings recorded by the learned Rent Controller were set-aside and the ejectment petition was dismissed.

Petitioner is the tenant of Booth No.14, Sector 27-C, Chandigarh which, according to the respondent-landlord, was rented out at a monthly rent of Rs.300/- vide agreement dated 30.5.1979. The rent was to be raised to Rs.310/- per month w.e.f. 1.1.1980 and so on and to Rs.350/- per month w.e.f. 1.1.1984 in terms of the agreement. The tenant-petitioner appeared before the learned Rent Controller and tendered arrears of rent @ Rs.340/- for December, 1983 and Rs.350/- per month for January and February, 1984, though the tenant took up a stand that the rate of rent was Rs.300/- per month.

The learned Rent Controller returned a finding that the rate of rent was Rs.300/- per month, but the learned Appellate Authority reversed the finding holding that the rent in terms of the agreement is binding and, therefore, the tender made by the petitioner cannot be said to be in excess of the rent due and payable to the landlord.

In terms of the agreement, the tenant-petitioner has agreed to pay progressively increased rent. Such increase in the payment of monthly rent does not contravene any of the provisions of the statute. Therefore, I do not find any illegality or irregularity in the findings recorded by the learned Appellate Authority which may warrant interference of this Court in exercise of its revisional jurisdiction.

Dismissed.

(HEMANT GUPTA)
JUDGE

May 2, 2007
**mohinder*